

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:12CR160
)	
MICHAEL JALMAR ZEIGLER)	
)	

Joint Motion for Continuance

The defendant, Michael Jalmar Zeigler, by counsel, moves the Court to continue the sentencing hearing in this matter. The United States joins in this motion. In support thereof, Mr. Zeigler states as follows:

1. On December 16, 2015, Mr. Zeigler was charged in a fourteen count indictment with a number robberies in violation of 18 U.S.C. 1951(a) and two counts of use and carry of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. 924(c)(1)(A). On February 26, 2016, Mr. Zeigler entered guilty pleas to Counts 3 and 12 of the Indictment. Sentencing was scheduled for June 23, 2016.

2. Since Mr. Zeigler's guilty plea, there have been a number of developments that lead counsel to conclude that the Court will be much better informed about Mr. Zeigler's history and characteristics if his sentencing is postponed.

3. One of developments that has persuaded counsel of the need for a continuance is certain information which has been revealed in the pre-sentence report- i.e., the information contained in paragraphs 103, 105, 112 and especially 113. The information reported in these paragraphs indicates that Mr. Zeigler has suffered injuries to his brain in the past.

4. Based upon this information, counsel is of the view that Mr. Zeigler should receive an evaluation by experts, and counsel has specific individuals in mind to perform the evaluation. However, this evaluation cannot be completed by the scheduled sentencing date.

5. The information that will be obtained through the evaluation will likely be mitigating in nature and helpful to the Court in assessing the statutory sentencing factors and in arriving at a sentence that is sufficient, but not greater than necessary, to carry out the purposes of sentencing.

6. Counsel has discussed the issue with the Assistant United States Attorney, who is in agreement with the relief sought herein.

Wherefore, the parties move the Court for an order continuing Mr. Zeigler's sentencing hearing.

Law and Argument

Whether to grant a motion to continue is within the broad discretion of the district court and will only be found to be an abuse of discretion when the court exhibits "an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for a delay." *Morris v. Slappy*, 461 U.S. 1 (1983). Here, counsel for the defendant believes that in the interest of justice, a delay in the sentencing hearing in order to obtain and provide to the Court information that will assist it in sentencing Mr. Zeigler. This Motion to Continue is not being made merely for purposes of delay. Counsel has discussed the matter with the defendant and explained to the defendant his rights, and the defendant agrees that a continuance would be appropriate.

Conclusion

For the above reasons, the defendant requests that his sentencing hearing be continued.

MICHAEL JALMAR ZEIGLER

By: _____/s/_____

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CERTIFICATE OF SERVICE

I certify that on the 2nd day of June, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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